

Appl. No. 09/328,975  
Amdt. dated 01/27/2006  
Reply to Office action of 10/31/2005


Remarks

Rejection of the claims under 35 USC § 102

Claims 1, 3, 5, and 7 have been rejected under 35 U.S.C. 03(a) as being unpatentable over Degols et al. in view of Leonetti et al. taken with the evidence of Weithoff et al. Applicants have amended claim 1 to obviate the rejection. Specifically, Applicants have amended claim 1 to recite the limitation of the nucleic acid being ionically associated with the polycation. Degols teaches the covalent association of a nucleic acid with a polylysine. Applicants define ionic interactions as non-covalent association of two or more substances, page 16 lines 19-21. Applicants teach the non-covalent association of a polycation with a nucleic acid on page 18 lines 9-15, page 20 lines 12-20, page 20 line 30 to page 21 line 11, and in the examples. In light of the amendment, Applicants request reconsideration of the 103 rejection.

The Examiner's rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1, 3, and 5-8 should be allowable. Applicants respectfully request a timely Notice of Allowance be issued in the case.

Respectfully submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: Jan 27, 2006.



Kirk Ekena